

REMARKS

Favorable consideration of this application in light of the following discussion is respectfully requested.

Claims 1-52 are pending in the application, with Claims 1, 20, and 43 amended by the present amendment.

In the Official Action, the specification and drawings were objected to; Claims 1, 20 and 43 were objected to; Claims 1-52 were rejected under 35 U.S.C. § 112, first paragraph, Claims 1, 3-4, 6, 13, 14, 16, 23 and 25 were rejected under 35 U.S.C. § 102(a) as being anticipated by applicants' Admitted Prior Art (hereinafter "APA"); and Claims 2, 5, 7-12, 15, 17-22, 24 and 26-42 and 44-52 were indicated as containing allowable subject matter.

Applicants acknowledge with appreciation the indication of allowable subject matter.

Claims 1, 20, and 43 are amended to correct the informalities noted in the Official Action. No new matter is added.

In the Official Action, Applicants were requested to provide additional information regarding the circumstances around Applicants erroneous labeling of Figures 1-2 as prior art. In response to this request, Applicants submit the attached Supplemental Inventors Declaration. In view of this information, Applicants submit that the amendments to the specification and drawings submitted by Applicants on November 28, 2003 is not new matter.

Therefore, for the reasons stated in Applicants' papers filed on November 28, 2003 and January 22, 2004, Applicants submit the inventions defined by Claims 1, 31, 36, 41, 45, 49-52, and all claims depending therefrom, are not anticipated and are not rendered obvious by the asserted prior art for at least the reasons stated above.¹

¹ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of

Application No. 09/919,859
Reply to Office Action of March 9, 2004

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Michael E. Monaco
Registration No. 52,041

Customer Number
22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

GJM/MEM/kkn

I:\ATTY\MM\AMENDMENT\620\212005.AM.DUE JUNE 9..DOC

success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."